

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

RUTH SMITH, Individually and as Widow for the)	
Use and Benefit of Herself and the Next Kin of)	
Richard Smith, Deceased,)	
)	
Plaintiff,)	Civil No. 3:05-0444
)	Judge Aleta A. Trauger
v.)	(Dist. Of MA No.
)	1:05-cv-11515PBS)
PFIZER, INC., <i>et al.</i> ,)	
)	
Defendants.)	

**DEFENDANTS' MOTION TO STRIKE
PLAINTIFF'S UNTIMELY EXPERT DISCLOSURES**

Defendants, Pfizer Inc and Warner-Lambert Company LLC (collectively, "Defendants" or "Pfizer"), respectfully move this Court for an order striking Plaintiff's Supplemental Expert Disclosures, dated April 14, 2010, and precluding Plaintiff from introducing the late-disclosed materials at trial. As set forth in the accompanying memorandum of law, Plaintiff's late disclosures should be stricken, pursuant to Rule 37(c)(1) of the Federal Rules of Civil Procedure, both because they are untimely under Rule 26(e), and because they do not constitute proper expert supplementation under the Rules.

The grounds for this motion are set forth in more detail in the accompanying memorandum of law. Also submitted in support of this motion is a Declaration of Mark S. Cheffo.

WHEREFORE, Defendants respectfully request that the Court strike Plaintiff's Supplemental Expert Disclosures and preclude Plaintiff from introducing the materials at trial.

Dated: April 16, 2010

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this the 16th day of April 2010, I electronically filed the foregoing document with the Clerk of the Court, United States District Court for the Middle District of Tennessee, using the CM/ECF system. True and correct copies of the foregoing documents are being served via the Court's CM/ECF system on the following:

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